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FISCAL IMPACT STATEMENT

LS 6631

BILL NUMBER: SB 279

NOTE PREPARED: Feb 13, 2003

BILL AMENDED: Feb 13, 2003

SUBJECT: Sex Offender Registration.

FIRST AUTHOR: Sen. Drozda

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (A) It requires persons convicted of possession of child pornography to register as sex offenders.
- (B) It increases the penalty for a person who fails to register as a sex offender to a Class B felony for a subsequent offense.
- (C) It removes a provision permitting offenders adjudicated as sexually violent predators to be removed from the directory.
- (D) It specifies that the sex offender web site is to be: (1) operated by the Indiana Sheriff's Association; and (2) updated every seven days.

Effective Date: July 1, 2003.

Explanation of State Expenditures: *Provision A:* The Criminal Justice Institute maintains the sex offender registry. Requiring offenders convicted of possessing child pornography to also register as sex offenders may affect the staffing requirements of the Criminal Justice Institute.

The number of persons who have been convicted and sentenced for possession of child pornography has not been reported on a statewide basis. Prior to July 1, 2002, possession of child pornography was a Class A misdemeanor. P.L.3-2002 increased the penalty to a Class D felony. Since possession of child pornography was increased from a Class A misdemeanor to a Class D felony in July 1, 2002, no offenders have yet been committed to the Department of Correction (DOC) for possession of child pornography.

Provision B: Under current law, a person who knowingly or intentionally fails to register as a sex offender commits a Class D felony.

Increasing a Class C felony to a Class B felony: Under current law, offenders who have two unrelated instances of intentionally failing to register as a sex offender are sentenced as Class C felons. As proposed, if these offenders were convicted of a second unrelated instance of not registering as a sex offender, it would be a Class B felony. The average length of stay for Class C felons is 1.9 years, while the average length of stay for Class B felons is 3.7 years.

The Department of Correction reports that no offenders are in DOC facilities for this offense. Consequently, enhancing this crime to a Class B felony would appear to have little effect on the need for additional prison beds for DOC offenders.

The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years.

Provision C: The number of sexually violent predators, as determined by a court, is currently not known. The Criminal Justice Institute estimates that there are less than 50 sexually violent predators in the registry.

Explanation of State Revenues: *Provision C* would allow Indiana to comply with current federal standards that require lifetime registration for violent sexual offenders. These requirements are related to the federal Jacob Wetterling Law and all its amendments. Compliance with federal law would ensure that Indiana continues to receive an estimated \$1 M each year. The federal grant money is passed on to state and local agencies to assist in funding programs that reduce crime and substance abuse.

No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class B or C felonies.

Explanation of Local Expenditures: *Provision D:* Under the current arrangement, the Sheriffs Association is developing the website for sex offenders and will be capable of updating the website every seven days. The Indiana Sheriffs Association is a 501(c)3 organization which receives its income from membership fees.

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Class B and C felonies are both \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction, Criminal Justice Institute.

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